

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**DAVID KEBE,****Petitioner**

v.

**IMMIGRATION AND  
NATURALIZATION SERVICE,  
Respondent**

**CIVIL ACTION NO. 1:CV-00-1883****(Judge Kane)**

**FILED  
HARRISBURG**

SEP 12 2002

MARY E. D'ANDREA, CLERK  
Per.                       
DEPUTY CLERK

**ORDER**

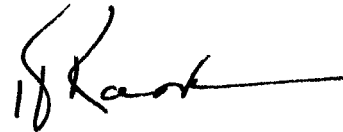
The facts in this case are well-documented in previous orders of this Court. On May 23, 2001, the Court issued an order denying Petitioner's petition for a writ of habeas corpus. Petitioner timely filed a motion for reconsideration in light of the Supreme Court holding in Zadvydas v. Davis, 533 U.S. 678 (June 28, 2001). Upon review, this Court ordered the INS to conduct a review of whether Petitioner would be removed in the foreseeable future. After conducting the review, the INS found that removal was foreseeable if Petitioner cooperates. The INS found that in light of Kebe's non-cooperation, continued detention was recommended. The review reads, in part:

Mr. Kebe has hindered his removal from the United States by refusing to give the Service accurate answers needed to obtain a travel document on his behalf from the proper government. . . . The Service routinely obtains travel documents from the majority of the nations located on the European and African continents, and it would be unlikely that the Service would be unable to remove Mr. Kebe if his true identity and nationality were truly known.

This Court finds that the government is conducting the required periodic reviews, and here reminds the INS of its continued duty to review Kebe's continued detention as required. However, there is no evidence on the record that, Kebe's detention would be indefinite if he

cooperates with the INS. The Court therefore does not find that his detention is unreasonable, or in violation of the laws or Constitution of the United States. Kebe possesses the keys to his freedom, as it is within his power to assist the INS in obtaining the paperwork necessary to effect his deportation.

**AND NOW**, therefore, **IT IS ORDERED THAT** Petitioner's motion for reconsideration (doc. 13) is **DENIED**. **IT IS FURTHER ORDERED THAT** Petitioner's motion for judgment (doc. 22) is **DENIED** as moot.



Yvette Kane  
United States District Judge

Dated: 11 Sept, 2002.